

ORDINANCE NUMBER O- **21023** (NEW SERIES)

DATE OF FINAL PASSAGE **DEC 10 2018**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7,
DIVISION 35 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 27.3564, RELATING TO ETHICS.

WHEREAS, the City of San Diego (City) Ethics Ordinance (Ethics Ordinance), codified at Chapter 2, Article 7, Division 35 of the San Diego Municipal Code, was adopted on April 29, 2002, by Ordinance No. O-19055 N.S.; and

WHEREAS, the Ethics Ordinance includes provisions related to the misuse of a City official's position and City resources; and

WHEREAS, City Officials and City staff are entrusted with confidential information so they can best protect the people they serve; and

WHEREAS, the City must preserve the confidentiality of certain City documents and information to protect the City's position in negotiations, employee relations, litigation, and to avoid or minimize legal and financial risk to the City; and

WHEREAS, failure to preserve the confidentiality of such documents and information, whether intentional or not, adversely impacts the City Attorney's ability to communicate with her client, chills the City Council's ability to engage in deliberations, and compromises the City's position with potentially dire consequences to the City and taxpayers; and

WHEREAS, the amendment in this ordinance prevents abuse of power by limiting disclosure of the City's confidential information to circumstances clearly authorized by law;

NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 7, Division 35 of the San Diego Municipal Code is amended by amending section 27.3564, to read as follows:

§27.3564 Misuse of City Position or Resources

(a) through (d) [No change in text.]

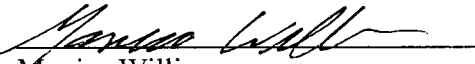
(e) It is unlawful for any current or former *City Official* to use or disclose to any *person* any *confidential information* he or she acquired in the course of his or her official duties, except as authorized by law.

(f) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Monica Willian
Deputy City Attorney

MW:jvg
August 15, 2018
Or.Dept:City Attorney
Doc. No.: 1814292_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 04 2018.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 12/10/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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DIVISION 35 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 27.3564, RELATING TO ETHICS.

§27.3564 Misuse of City Position or Resources

(a) through (d) [No change in text.]

(e) It is unlawful for any current or former *City Official* to use or disclose to
any *person any confidential information* he or she acquired in the course
of his or her official duties, except ~~when such disclosure is a necessary~~
~~function of his or her official duties~~ as authorized by law.

(f) [No change in text.]

MW:jvg
August 15, 2018
Or.Dept:City Attorney
Doc. No.: 1814295

Passed by the Council of The City of San Diego on DEC 04 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 10 2018.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 13 2018, and on DEC 10 2018.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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